IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1739 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAKASH INDUSTRIES LTD

Versus

STATE OF GUJARAT

Appearance:

MR SA DESAI for Petitioner

Mr.A.J.Desai, learned A.G.P. for the respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 29/03/2000

ORAL JUDGEMENT

Mr. Desai,learned counsel for the petitioner, has pointed out that there are outstandings against the petitioner and the same have not been paid. Learned counsel for the petitioner has submitted that without prejudice to the grounds raised in this petition, the petitioner is prepared to deposit 50% of the amount as is

found to be due by the concerned authority and such 50% shall be deposited on or before 31.3.2000 under protest. Should the petitioner deposit 50% of the amount as determined by the authority on or before 31.3.2000 and should he submit a representation for grant of further time for depositing the rest of the amount, the concerned authority shall consider such representation and shall also consider the petitioner's request for release of the vehicle/machinery in question on such terms and conditions as the concerned authority deems proper. It will be open for the petitioner to raise all the grounds submitted in this petition before the concerned authority and the concerned authority shall decide and pass a speaking and reasoned order on such representation of the petitioner. In case the representation of the petitioner is rejected, the petitioner will be at liberty to challenge the same afresh.

This Special Civil Application is disposed of with the directions,as above. Rule is hereby discharged. No order as to costs.

(M.R.Calla,J)